

FILED

MAR 29 2007

IN THE UNITED STATES DISTRICT COURT
FOR SOUTH DAKOTA CENTRAL DIVISION

SP 011
CLERK

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION)
)
 Plaintiff,) CIVIL ACTION NO. 07-3014
)
 v.) COMPLAINT
)
 AIR WISCONSIN AIRLINES CORPORATION) JURY TRIAL DEMANDED
d/b/a UNITED EXPRESS,)
)
 Defendant.)

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. ("Title VII"), and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a to correct an unlawful employment practice on the basis of sex-based harassment, and to provide appropriate relief to Caroline Lescroart ("Lescroart"), who was adversely affected by such practice.

As alleged with greater particularity in paragraph seven (7) below, the Equal Employment Opportunity Commission alleges that the defendant, Air Wisconsin Airlines Corporation d/b/a/ United Express (hereinafter "Air Wisconsin"), violated Title VII by subjecting Lescroart to a sexually hostile work environment."

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of

Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were and are being committed within the jurisdiction of the United States District Court for South Dakota.

PARTIES

3. The plaintiff, Equal Employment Opportunity Commission (hereinafter "Commission"), is the agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII and is expressly authorized to bring this action by Section 706(f)(1) of Title VII, 42 U.S.C. § 2000e-5(f)(1).

4. At all relevant times the defendant, Air Wisconsin, has been continuously engaged in the business of performing flying services for US Airways and ground handling services for both United and Northwest Airlines in the state of South Dakota, and has continuously had at least fifteen (15) employees.

5. At all relevant times, Air Wisconsin has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. § 2000e-(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than 30 days prior to the institution of this lawsuit, Lescroart filed a Charge with the Sioux Falls Human

Relations Commission alleging unlawful sex-based harassment by Air Wisconsin, in violation of Title VII. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Air Wisconsin has engaged in an unlawful employment practice in violation of Sections 703(a) and 704(a) of Title VII, 42 U.S.C. § 2000e-2(a) and § 2000e-3(a). Such practice includes, but is not limited to:

(a) subjecting Lescroart to a hostile working environment by allowing co-workers to create a hostile working environment through unwelcome verbal and physically threatening and offensive conduct because of her sex and by failing to take action to prevent and end such conduct; and

8. The effect of the practice complained of in paragraph seven (7) above has been to deprive Lescroart of equal employment opportunities in violation of Section 703(a) and 704(a) of Title VII, 42 U.S.C. § 2000e-2(a) and § 2000e-3(a).

9. The unlawful employment practices complained of in paragraphs seven (7) and eight (8) above were and are intentional.

10. The unlawful employment practices complained of in paragraphs seven (7) and eight (8) above were and are done with malice and/or reckless indifference to Lescroart's federally-protected rights.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully prays that this Court:

- A. Grant a permanent injunction enjoining Air Wisconsin, and its officers, successors, and assigns, and all persons in active concert or participation with them, from engaging in any employment practices which constitute sex-based harassment and retaliation for activity protected by Title VII;
- B. Order Air Wisconsin to institute and carry out policies, practices, and programs which eradicate the effects of its past and present unlawful employment practices;
- C. Order Air Wisconsin, to make Lescroart whole by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices, including injury to professional reputation, emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation;
- D. Order Wyeth, to pay Lescroart punitive damages for its malicious and/or reckless conduct, in an amount to be determined at trial;
- F. Grant such further relief as the Court deems necessary and proper in the public interest; and
- G. Grant the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its Complaint.

Ronald Cooper
General Counsel

James Lee
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
1801 "L" Street, N.W.
Washington, D.C. 20507

Dated: March 28, 2007

John C. Hendrickson
John C. Hendrickson
Regional Attorney

Dated: March 28, 2007

Jean P. Kamp
Jean P. Kamp
Associate Regional Attorney

Dated March 28, 2007

Robert F. Tomlinson
Robert F. Tomlinson
Senior Trial Attorney

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

Milwaukee Area Office
310 West Wisconsin Avenue
Suite 800
Milwaukee, WI 53203-2292
(414) 297-3465